

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DETROIT FREE PRESS, INC.,

Plaintiff,

CIVIL ACTION NO. 16-11698

v.

HON. GEORGE CARAM STEEH

TOWNSHIP OF ORION, et al.,

Defendant.

_____ /

ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S
MOTION FOR PARTIAL SUMMARY JUDGMENT
AND FOR PRELIMINARY INJUNCTION (DOC. 10)

On September 22, 2016, this court held a hearing on plaintiff Detroit Free Press' motion for partial summary judgment as to liability and for a preliminary injunction to enjoin enforcement of defendant Township of Orion's anti-littering ordinance to prohibit dissemination of *Select* to Township residents. At that time, no scheduling order was yet in place and no discovery had been taken. At the hearing, plaintiff's counsel represented that it only delivered *Select* to residents who had requested delivery of the publication. Prior to issuing its ruling here, the court would like to be fully informed as to the process for determining which residents received *Select*, and how plaintiff enforced its opt-out program for those residents notifying plaintiff that they wished to cease delivery of *Select*. Because these facts and others that may be the proper subject of discovery, will enlighten this court's decision on the issue of liability and injunctive relief, plaintiff's motion for partial summary judgment and for a preliminary injunction (Doc. 10) is DENIED WITHOUT PREJUDICE pending further factual development.

IT IS FURTHER ORDERED that the parties commence discovery forthwith. Plaintiff may renew its motion according to the deadlines to be established at the scheduling conference set for November 21, 2016.

IT IS SO ORDERED.

Dated: October 24, 2016

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on October 24, 2016, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk